

Governor Dennis Daugaard
EXECUTIVE REORGANIZATION ORDER
No. 2011-01

WHEREAS, Article IV, Section 8, of the constitution of the state of South Dakota provides that, "Except as to elected constitutional officers, the Governor may make such changes in the organization of offices, boards, commissions, agencies and instrumentalities, and in allocation of their functions, powers and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the Legislature within five legislative days after it convenes, and shall become effective, and shall have the force of law, within ninety days after submission, unless disapproved by a resolution concurred in by a majority of all the members of either house"; and

WHEREAS, this executive order has been submitted to the 86th Legislative Assembly on the 2nd legislative day, being the 12th day of January, 2011;

IT IS, THEREFORE, BY EXECUTIVE ORDER, directed that the executive branch of state government be reorganized to comply with the following sections of this order.

GENERAL PROVISIONS

Section 1. This executive order shall be known and may be cited as the "Executive Reorganization Order 2011-01".

Section 2. Any agency not enumerated in this order, but established by law within another agency which is transferred to a principal department under this order, shall also be transferred in its current form to the same principal department and its functions shall be allocated between itself and the principal department as they are now allocated between itself and the agency within which it is established.

Section 3. "Agency" as used in this order shall mean any board, authority, commission, department, bureau, division or any other unit or organization of state government.

Section 4. "Function" as used in this order shall mean any authority, power, responsibility, duty or activity of an agency, whether or not specifically provided for by law.

Section 5. Unless otherwise provided by this order, division directors shall be appointed by the head of the department or bureau of which the division is a part, and shall be removable at the pleasure of the department or bureau head, provided, however,

that both the appointment and removal of division directors shall be subject to approval by the Governor.

Section 6. It is the intent of this order not to repeal or amend any laws relating to functions performed by an agency, unless the intent is specifically expressed in this order or unless there is an irreconcilable conflict between this order and those laws.

Section 7. If a part of this order is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this order is invalid in one or more of its applications, the part remains in effect in all valid applications.

Section 8. Except when inconsistent with the other provisions of this order all rules, regulations and standards of the agencies involved in executive reorganization in effect on the effective date of this order, shall continue with full force and effect until they are specifically altered, amended, or revoked in the manner provided by law, unless the statutory authority for such rules is superseded by this order.

Section 9. It is hereby declared that the sections, clauses, sentences and parts of this executive order are severable, are not matters of mutual essential inducement, and any of them may be excised by any court of competent jurisdiction if any section, clause, sentence or part of this executive order would otherwise be unconstitutional or ineffective.

Section 10. In the event that it has been determined that a function of a transferred agency, which has not been eliminated by this order, and its associated records, personnel, equipment, facilities, unexpended balances or appropriations, allocations or other funds have not been clearly allocated to an agency, the Governor shall specify by interim procedures the allocation of the function and its associated resources. At the next legislative session following the issuance of such interim procedures, the Governor shall make recommendations concerning the proper allocation of the functions of transferred agencies which are not clearly allocated by this order. Any interim procedures issued in conjunction with this section shall be filed with the Secretary of state.

Section 11. The rights, privileges and duties of the holders of bonds and other obligations issued, and of the parties to contracts, leases, indentures, and other transactions entered into, before the effective date of this order, by the state or by any agency, officer, or employee thereof, and covenants and agreements as set forth therein, remain in effect, and none of those rights, privileges, duties, covenants, or agreements are impaired or diminished by abolition of an agency in this order. The agency to which functions of another agency are transferred is substituted for that agency and succeeds to its rights and leases, indentures, and other transactions.

Section 12. No judicial or administrative suit, action or other proceeding lawfully commenced before the effective date of this order by or against any agency or any officer of the state, in his official capacity or in relation to the discharge of his official duties,

shall abate or be affected by reason of the taking effect of any reorganization under the provisions of this order. The court may allow the suit, action or other proceeding to be maintained by or against the successor of any agency or any officer affected by this order.

Section 13. If any part of this order is ruled to be in conflict with federal requirements which are a prescribed condition to the receipt of federal aid by the state, an agency or a political subdivision, that part of this order has no effect and the Governor may by executive order make necessary changes to this order to receive federal aid, and the changes will remain in effect until the last legislative day of the next legislative session or until the Legislature completes legislation addressed to the same question, whichever comes first.

Section 14. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to make the name and title changes necessary to correlate and integrate the organizational changes made by this Executive Reorganization Order into the South Dakota Codified Laws.

Section 15. Any provisions of law in conflict with this order are superseded.

Section 16. Whenever a function is transferred by this order, all personnel, records, property, unexpended balances of appropriations, allocations or other funds utilized in performing the function are also transferred by this order.

Section 17. The effective date of this Executive Reorganization Order #2011-01 shall be ninety days after its submission to the Legislature.

Department of the Military created

Section 18. There is hereby created a Department of the Military. The head of the Department of the Military is the Adjutant General who shall be appointed and serve pursuant to the provisions of the Constitution of the State of South Dakota, Article IV, §9.

Department of the Veterans Affairs created

Section 19. There is hereby created a Department of Veterans Affairs. The head of the Department of the Veterans Affairs is the Secretary of Veterans Affairs who shall be appointed and serve pursuant to the provisions of the Constitution of the State of South Dakota, Article IV, §9.

Section 20. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to designate a new Title 33A, entitled Veterans Affairs, to transfer chapters 33-16, 33-17, 33-17A, 33-18 and 33-19 to that Title and that all references to “the Department of Military and Veterans Affairs” in those chapters be amended to “the Department of Veterans Affairs”.

**Department of Military and Veterans Affairs Abolished, functions of former
Department of Military and Veterans Affairs transferred to other Departments**

Section 21. The Department of Military and Veterans Affairs is hereby abolished. The position of Secretary of the Department of Military and Veterans Affairs is hereby abolished.

Section 22. The Veterans Commission and its functions in the former Department of Military and Veterans Affairs are transferred to the Department of Veterans Affairs created by this Executive Reorganization Order. The Secretary of Veterans Affairs shall perform the functions of the former Secretary of Department of Military and Veterans Affairs, relating to the Veterans Commission.

Section 23. The Division of Veterans Affairs created by chapter 1-46 and its functions in the former Department of Military and Veterans Affairs are transferred to the Department of Veterans Affairs created by this Executive Reorganization Order. The Secretary of Veterans Affairs shall perform the functions of the former Secretary of Department of Military and Veterans Affairs, relating to the Division of Veterans Affairs.

Section 24. The State Veterans Home created by chapter 33-18 and its functions in the former Department of Military and Veterans Affairs are transferred to the Department of Veterans Affairs created by this Executive Reorganization Order. The Secretary of Veterans Affairs shall perform the functions of the former Secretary of Department of Military and Veterans Affairs, relating to the State Veterans Home.

Section 25. The Office of the Adjutant General created by chapter 1-46 and its functions in the former Department of Military and Veterans Affairs are transferred to the Department of the Military created by this Executive Reorganization Order. The Adjutant General shall perform the functions of the former Secretary of Department of Military and Veterans Affairs, relating to the Office of Adjutant General.

Section 26. The Board of Military Affairs created by chapter 33-1 and its functions in the former Department of Military and Veterans Affairs are transferred to the Department of the Military created by this Executive Reorganization Order. The Adjutant General shall perform the functions of the former Secretary of the Department of Military and Veterans Affairs, relating to the Board of Military Affairs.

Section 27. The National Guard and its functions in the former Department of Military and Veterans Affairs are transferred to the Department of the Military created by this Executive Reorganization Order. The Adjutant General shall perform the functions of the former Secretary of Department of Military and Veterans Affairs, relating to the National Guard.

Department Tribal Relations created

Section 28. There is hereby created a Department of Tribal Relations. The head of the Department of Tribal Relations is the Secretary of Tribal Relations who shall be appointed and serve pursuant to the provisions of the Constitution of the State of South Dakota, Article IV, §9.

Section 29. The Office of Tribal Government Relations established by chapter 1-4 and its functions is hereby transferred to the Department of Tribal Relations.

Section 30. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to designate a new chapter 1-54, entitled Department of Tribal Relations.

Department of Labor Abolished. Department of Labor and Regulation created. Functions of former Department of Labor transferred to Department of Labor and Regulation

Section 31. The Department of Labor established pursuant to chapter 1-37 is abolished. The position of Secretary of Labor is abolished.

Section 32. There is hereby created a Department of Labor and Regulation. The head of the Department of Labor and Regulation is the Secretary of Labor and Regulation who shall be appointed and serve pursuant to the provisions of the Constitution of the State of South Dakota, Article IV, §9.

Section 33. The functions and programs of the former Department of Labor and the duties of the Secretary of Labor are transferred to the Department of Labor and Regulation and the Secretary of Labor and Regulation.

Department of Revenue and Regulation Abolished. Department of Revenue created. Functions of former Department of Revenue and Regulation transferred to other Departments

Section 34. The Department of Revenue and Regulation established pursuant to chapter 10-1 is abolished. The position of Secretary of Revenue and Regulation is abolished.

Section 35. There is hereby created a Department of Revenue. The head of the Department of Revenue is the Secretary of Revenue who shall be appointed and serve pursuant to the provisions of the Constitution of the State of South Dakota, Article IV, §9.

Section 36. The Division of Banking created by chapter 51A-2 and its functions in the former Department of Revenue and Regulation are transferred to the Department of Labor

and Regulation created by this Executive Reorganization Order. The Secretary of Labor and Regulation shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Division of Banking.

Section 37. The South Dakota State Banking Commission created by 51A-2 and its functions in the former Department of Revenue and Regulation are transferred to the Department of Labor and Regulation created by this Executive Reorganization Order. The Secretary of Labor and Regulation shall perform the functions of the former Secretary of Revenue and Regulation, relating to the South Dakota State Banking Commission.

Section 38. The Division of Securities and its functions in the former Department of Revenue and Regulation are transferred to the Department of Labor and Regulation created by this Executive Reorganization Order. The Secretary of Labor and Regulation shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Division of Securities.

Section 39. The Division of Insurance created by chapter 58-2 and its functions in the former Department of Revenue and Regulation are transferred to the Department of Labor and Regulation created by this Executive Reorganization Order. The Secretary of Labor and Regulation shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Division of Insurance.

Section 40. The Insurance Fraud Prevention Unit created by chapter 58-4A and its functions in the former Department of Revenue and Regulation are transferred to the Attorney General except for the Division's assessment authority set out in 58-4A-14 which shall remain with the Division of Insurance. The Attorney General shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Insurance Fraud Prevention Unit.

Section 41. The Real Estate Commission, created by chapter 36-21A, and its functions in the former Department of Revenue and Regulation are transferred to the Department of Labor and Regulation created by this Executive Reorganization Order. The Secretary of Labor and Regulation shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Real Estate Commission.

Section 42. The Abstractors Board of Examiners, created by chapter 36-13, and its functions in the former Department of Revenue and Regulation are transferred to the Department of Labor and Regulation created by this Executive Reorganization Order. The Secretary of Labor and Regulation shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Abstractors Board of Examiners.

Section 43. The Appraiser Certification Program, created by chapter 36-21B, and its functions in the former Department of Revenue and Regulation are transferred to the Department of Labor and Regulation created by this Executive Reorganization Order.

The Secretary of Labor and Regulation shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Appraiser Certification Program.

Section 44. All functions of the Petroleum Release Compensation Board under chapter 34A-13 including budgeting and administrative support for the petroleum release fund in the former Department of Revenue and Regulation are transferred to the Department of Environment and Natural Resources created by chapter 1-40. The Secretary of Environment and Natural Resources shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Petroleum Release Compensation Board. The petroleum release compensation fund board shall continue as an advisory board to the Secretary of Department of Environment and Natural Resources on issues concerning petroleum inspection and release compensation.

Section 45. All functions of the Department of Transportation under chapter 34A-13 are transferred to the Department of Environment and Natural Resources created by chapter 1-40. The Secretary of Environment and Natural Resources shall perform the functions of the former Secretary of Transportation, relating to chapter 34A-13.

Section 46. The Division of the Secretariat and its functions in the former Department of Revenue and Regulation are transferred to the Department of Revenue created by this Executive Reorganization Order. The Secretary of Revenue shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Division of the Secretariat.

Section 47. The Division of Business Tax and its functions in the former Department of Revenue and Regulation are transferred to the Department of Revenue created by this Executive Reorganization Order. The Secretary of Revenue shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Division of Business Tax.

Section 48. The Division of Motor Vehicles and its functions in the former Department of Revenue and Regulation are transferred to the Department of Revenue created by this Executive Reorganization Order. The Secretary of Revenue shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Division of Motor Vehicles.

Section 49. The Division of Property and Special Taxes and its functions in the former Department of Revenue and Regulation are transferred to the Department of Revenue created by this Executive Reorganization Order. The Secretary of Revenue shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Division of Property and Special Taxes.

Section 50. The Division of Audits and its functions in the former Department of Revenue and Regulation are transferred to the Department of Revenue created by this Executive Reorganization Order. The Secretary of Revenue shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Division of Audits.

Section 51. The Division of Lottery, created by chapter 42-7A and its functions in the former Department of Revenue and Regulation are transferred to the Department of Revenue created by this Executive Reorganization Order. The Secretary of Revenue shall perform the functions of the Executive Director of the Lottery and the former Secretary of Revenue and Regulation, relating to the Division of Lottery.

Section 52. The Lottery Commission, created by chapter 42-7A and its functions in the former Department of Revenue and Regulation are transferred to the Department of Revenue created by this Executive Reorganization Order. The Secretary of Revenue shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Lottery Commission.

Section 53. The Commission on Gaming, created by chapter 42-7B and its functions in the former Department of Revenue and Regulation are transferred to the Department of Revenue created by this Executive Reorganization Order. The Secretary of Revenue shall perform the functions of the former Secretary of Revenue and Regulation, relating to the Commission on Gaming.

Department of Tourism created

Section 54. There is hereby created a Department of Tourism. The head of the Department of Tourism is the Secretary of Tourism who shall be appointed and serve pursuant to the provisions of the Constitution of the State of South Dakota, Article IV, §9.

Governor's Office of Economic Development created

Section 55. There is hereby created a Governor's Office of Economic Development within the Department of Executive Management. The head of the Governor's Office of Economic Development is the Commissioner of the Governor's Office of Economic Development who shall be appointed and serve pursuant to the provisions of the Constitution of the State of South Dakota, Article IV, §9.

Section 56. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to designate a new chapter 1-53, entitled Governor's Office of Economic Development and that § 1-52-3.2, 1-52-3.3, 1-52-3.4, 1-52-3.5, 1-52-13 be transferred to that chapter.

Department of Tourism and State Development Abolished. Functions of former Department of Tourism and State Development transferred to other Departments

Section 57. The Department of Tourism and State Development is hereby abolished. The position of Secretary of the Department of Tourism and State Development is hereby abolished.

Section 58. The Governor's Office of Economic Development referenced in chapter 1-52 and its functions in the Department of Tourism and State Development are transferred to the Governor's Office of Economic Development created by this Executive Reorganization Order. The Commissioner of the Governor's Office of Economic Development shall perform the functions of the former Secretary of Department of Tourism and State Development relating to the activities of the Governor's Office of Economic Development.

Section 59. The Office of Research Commerce and its functions in the Department of Tourism and State Development are transferred to the Governor's Office of Economic Development created by this Executive Reorganization Order. The Commissioner of the Governor's Office of Economic Development shall perform the functions of the former Secretary of Department of Tourism and State Development relating to the activities of the Office of Research Commerce.

Section 60. The Economic Development Finance Authority created by Chapter 1-16B and its functions in the Department of Tourism and State Development are transferred to the Governor's Office of Economic Development created by this Executive Reorganization Order. The Commissioner of the Governor's Office of Economic Development shall perform the functions of the former Secretary of Department of Tourism and State Development relating to the activities of the Economic Development Finance Authority.

Section 61. The Board of Economic Development created by Chapter 1-16G and its functions in the Department of Tourism and State Development are transferred to the Governor's Office of Economic Development created by this Executive Reorganization Order. The Commissioner of the Governor's Office of Economic Development shall perform the functions of the former Secretary of Department of Tourism and State Development relating to the activities of the Board of Economic Development.

Section 62. The South Dakota Housing Development Authority created by chapter 11-11, and its functions in the former Department of Tourism and State Development are transferred to the Governor's Office of Economic Development created by this Executive Reorganization Order. The Commissioner of the Governor's Office of Economic Development shall perform the functions of the former Secretary of the Department of Tourism and State Development, relating to the South Dakota Housing Development Authority.

Section 63. The South Dakota Science and Technology Authority created by chapter 1-16H and its functions in the Department of Tourism and State Development are transferred to the Governor's Office of Economic Development created by this Executive Reorganization Order. The Commissioner of the Governor's Office of Economic Development shall perform the functions of the former Secretary of Department of Tourism and State Development relating to the activities of the South Dakota Science and Technology Authority.

Section 64. The South Dakota Energy Infrastructure Authority created by chapter 1-16I and its functions in the Department of Tourism and State Development are transferred to the Governor's Office of Economic Development created by this Executive Reorganization Order. The Commissioner of the Governor's Office of Economic Development shall perform the functions of the former Secretary of Department of Tourism and State Development relating to the activities of the South Dakota Energy Infrastructure Authority.

Section 65. The South Dakota Ellsworth Development Authority created by chapter 1-16J and its functions in the Department of Tourism and State Development are transferred to the Governor's Office of Economic Development created by this Executive Reorganization Order. The Commissioner of the Governor's Office of Economic Development shall perform the functions of the former Secretary of Department of Tourism and State Development relating to the activities of the South Dakota Ellsworth Development Authority.

Section 66. The Office of Tourism and its functions in the former Department of Tourism and State Development are transferred to the Department of Tourism created by this Executive Reorganization Order. The Secretary of Tourism shall perform the functions of the former Secretary of Tourism and State Development, relating to the Office of Tourism.

Section 67. The Board of Tourism created by chapter 1-52 and its functions in the former Department of Tourism and State Development are transferred to the Department of Tourism created by this Executive Reorganization Order. The Secretary of Tourism shall perform the functions of the former Secretary of Tourism and State Development, relating to the Board of Tourism.

Section 68. The South Dakota Arts Council, created by chapter 1-22, and its functions in the former Department of Tourism and State Development are transferred to the Department of Tourism created by this Executive Reorganization Order. The Secretary of Tourism shall perform the functions of the former Secretary of Tourism and State Development, relating to the South Dakota Arts Council.

Section 69. The Office of History in the former Department of Tourism and State Development and its functions are transferred to the Department of Tourism created by

this Executive Reorganization Order. The Secretary of the Department of Tourism shall perform the functions of the former Secretary of Tourism and State Development, relating to the Office of History.

**Certain Divisions of the Department of Human Services transferred to the
Department of Social Services, Mental Health Division**

Section 70. The Division of Alcohol and Drug Abuse created by chapter 1-36A is hereby transferred from the Department of Human Services to the Mental Health Division, Department of Social Services. The Secretary of the Department of Social Services shall perform the functions of the former Secretary of the Department Human Services, relating to the Division of Alcohol and Drug Abuse.

Section 71. The Human Services Center, Yankton, created by chapter 1-36A is hereby transferred from the Department of Human Services to the Mental Health Division, Department of Social Services. The Secretary of the Department of Social Services shall perform the functions of the Secretary of the Department Human Services, relating to the Human Services Center, Yankton.

Section 72. The Division of Mental Health created by chapter 1-36A is hereby transferred from the Department of Human Services to the Mental Health Division, Department of Social Services. The Secretary of the Department of Social Services shall perform the functions of the Secretary of the Department of Human Services, relating to the Division of Mental Health.

Section 73. The Board of Social Work Examiners, created by chapter 36-26, and its functions in the former Department of Human Services are transferred to the Department of Social Services. The Secretary of the Department of Social Services shall perform the functions of the Secretary of the Department of Human Services, relating to the Board of Social Work Examiners.

Section 74. The Board of Examiners of Psychologists, created by chapter 36-27A, and its functions in the former Department of Human Services are transferred the Department of Social Services. The Secretary the Department of Social Services shall perform the functions of the Secretary of the Department of Human Services, relating to the Board of Examiners of Psychologists.

Section 75. The Board of Counselor Examiners, created by chapter 36-32, and its functions in the former Department of Human Services are transferred the Department of Social Services. The Secretary of the Department of Social Services shall perform the functions of the Secretary of the Department of Human Services, relating to the Board of Counselor Examiners.

Section 76. The Certification Board for Alcohol and Drug Professionals created by chapter 36-34, and its functions in the former Department of Human Services are

transferred the Department of Social Services. The Secretary of the Department of Social Services shall perform the functions of the Secretary of the Department of Human Services, relating to the Certification Board for Alcohol and Drug Professionals.

Section 77. The Mental Health Planning and Coordination Advisory Board and its functions in the former Department of Human Services are transferred the Department of Social Services. The Secretary of the Department of Social Services shall perform the functions of the Secretary of the Department of Human Services, relating to the Mental Health Planning and Coordination Advisory Board.

Section 78. The Drug and Alcohol Abuse Advisory Council and its functions in the former Department of Human Services are transferred the Department of Social Services. The Secretary of the Department of Social Services shall perform the functions of the Secretary of the Department of Human Services, relating to the Drug and Alcohol Abuse Advisory Council.

Other Reorganization Provisions

Section 79. The authority of the State Brand Board to employ law enforcement officers pursuant to SDCL 40-18-14 and related functions are transferred to the Office of the Attorney General, Division of Criminal Investigation. The Attorney General of the State of South Dakota shall perform the functions relating to the enforcement of the provisions of chapters 40-19 to 40-22, inclusive, and chapter 40-29.

Section 80. That § 1-4-1 be transferred to chapter 1-54 and amended to read as follows.

1-4-1. ~~The Office of Tribal Governmental Relations~~ Department of Tribal Relations is hereby established to ~~shall~~ aid in securing and coordinating federal, state, and local resources to help solve Indian problems and to serve as an advocate of the Indian for Native American people.

Section 81. That § 1-4-1.1 be repealed.

Section 82. That § 1-4-25 be transferred to chapter 1-54.

Section 83. That § 1-4-26 be transferred to chapter 1-54.

Section 84. That §1-16B-10 be amended to read as follows:

1-16B-10. ~~The Secretary of tourism and state development~~ Commissioner of the Governor's Office of Economic Development shall serve as the chief administrative officer and direct and supervise the administration and technical affairs of the authority.

Section 85. That §1-16G-1 be amended to read as follows:

1-16G-1. There is created a Board of Economic Development and the Governor may appoint up to thirteen members to consult with and advise the Governor and the ~~Secretary of tourism and state development~~ Commissioner of the Governor's Office of Economic Development in carrying out the functions of the office. The members of the board shall be appointed by the Governor for four-year terms of office so arranged that no more than four members' terms expire in any given year. Not all members may be from the same political party. The Governor shall designate the terms at the time of appointment. Any member appointed to fill a vacancy arising from other than the natural expiration of a term shall serve only the unexpired portion of the term.

Section 86. That §1-16G-24 be amended to read as follows:

1-16G-24. Earnings on the revolving economic development and initiative fund and the value added agriculture subfund may be used for the administrative costs of the Division of Finance of the Governor's Office of Economic Development. Such earnings shall be expended in accordance with the provisions of Title 4 on warrants drawn by the state auditor on vouchers approved by the ~~Secretary of tourism and state development~~ Commissioner of the Governor's Office of Economic Development. Eligible expenses may not exceed total interest earnings during the previous fiscal year prior to the deduction of loan losses for the same fiscal year.

Section 87. That §1-16H-38 be amended to read as follows:

1-16H-38. The authority is attached to the ~~Department of Tourism and State Development~~ Governor's Office of Economic Development for reporting purposes. The authority shall submit such records, information, and reports in the form and at such times as required by the ~~Secretary~~ Commissioner. However, the authority shall report at least annually.

Section 88. That §1-16I-38 be amended to read as follows:

1-16I-38. The authority is attached to the ~~Department of Tourism and State Development~~ Governor's Office of Economic Development for reporting purposes. The authority shall submit such records, information, and reports in the form and at such times as required by the ~~Secretary~~ Commissioner. However, the authority shall report at least annually.

Section 89. That §1-16J-3 be amended to read as follows:

1-16J-3. The authority is attached to the ~~Department of Tourism and State Development~~ Governor's Office of Economic Development for reporting purposes. The authority shall submit such records, information, and reports in the form and at such times as required by

the ~~Secretary Commissioner of the Department of Tourism and State Development~~ Governor's Office of Economic Development. However, the authority shall report to the Governor at least annually.

Section 90. That §1-18-1.1 be repealed.

Section 91. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting "and State Development":

1-18-2; 1-18-2.2; 1-18-3; 1-18-20; 1-18-32.1; 1-18B-1; 1-18C-3; 1-18C-6;
1-19-2.1; 1-19B-8; 1-19-A-2; 1-19C-2.1; 1-20-19; 1-20-20; 1-22-5.1; 1-52-1;
1-52-14; 1-52-17; 5-15-49; 31-2-23; 31-29-62.

Section 92. That §1-22-2.3 be amended to read as follows:

1-22-2.3. The arts council shall continue, with all its functions, in the Department of Tourism ~~and State Development~~. The Secretary of the Department of Tourism ~~and State Development~~ shall perform the functions formerly exercised by the former Secretary of the Department of Tourism and State Development ~~Education and Cultural Affairs~~, relating to the arts council.

Section 93. That §1-32-2 be amended to read as follows:

1-32-2. For the purposes of achieving reorganization under the terms of S.D. Const., Art. IV, § 8, the following principal departments are established:

- (1) Department of Executive Management;
- (2) Department of Public Safety;
- (3) Department of Social Services;
- (4) Department of Labor and Regulation;
- (5) Department of Education;
- (6) Department of Environment and Natural Resources;
- (7) Department of Game, Fish and Parks;
- (8) Department of Health;
- (9) Department of Agriculture;

- (10) Department of Transportation;
- (11) Department of the Military ~~and Veterans Affairs~~;
- (12) Department of Revenue ~~and Regulation~~;
- (13) Department of Human Services;
- (14) Department of Tourism ~~and State Development~~ ;
- (15) Department of Veterans Affairs;
- (16) Department of Tribal Relations;

Section 94. That § 1-32-7 be amended to read as follows:

1-32-7. The secretaries of the Departments of Health, Agriculture, Public Safety, Revenue ~~and Regulation~~, Labor and Regulation and Human Services are hereby authorized to enter into mutual agreements, transferring among the departments any health or consumer protection inspection function assigned to any one of the three departments so as to promote the effectiveness and efficiency of such functions. Any such mutual agreements shall be approved by the Governor and shall be filed in the Office of the Secretary of State.

Section 95. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting “Department of Tourism and State Development”, and inserting “Governor’s Office of Economic Development”:

1-33B-14; 1-33B-14; 1-33B-15; 6-18-1; 6-18-1; 11-11-1.

Section 96. That § 1-33-3 be amended to read as follows.

1-33-3. The Department of Executive Management consists of the Bureau of Finance and Management, the Bureau of Intergovernmental Relations, the Bureau of Administration, the Bureau of Personnel, ~~and~~ the Bureau of Information and Telecommunications, the Governor’s Office of Economic Development and any other agencies created by administrative action or law and placed under the Department of Executive Management.

Section 97. That § 1-33B-22 be amended to read as follows.

1-33B-22. Disbursements from the energy conservation special revenue fund shall be paid on warrants drawn by the state auditor on vouchers approved by the ~~Secretary of the~~

~~Department of Tourism and State Development~~ Commissioner of the Governor's Office of Economic Development.

Section 98. That § 1-42-17.6 be repealed.

Section 99. That § 1-35-4 be amended to read as follows:

1-35-4. The Department of ~~Revenue~~ Labor and Regulation shall, under the direction and control of the Secretary of ~~Revenue~~ Labor and Regulation, perform all administrative functions (as defined in § 1-32-1) of the following divisions:

- (1) The Division of Banking, created by chapter 51A-2;
- (2) The Division of Securities, ~~created by § 47-31A-406(e);~~
- (3) The Division of Insurance, created by chapter 58-2.

This section does not apply to the special budgetary functions (as defined in § 1-32-1) of the State Banking Commission created by chapter 51A-2.

Section 100. That § 1-36A-1.3 be amended to read as follows:

1-36A-1.3. The Department of Human Services shall consist of the following agencies:

(1) The Division of Developmental Disabilities, ~~to be created from the Office of Developmental Disabilities and Mental Health in the Department of Social Services;~~

(2) South Dakota Developmental Center--Redfield;

~~(3) The Division of Alcohol and Drug Abuse;~~

~~(3)~~ (4) The Division of Rehabilitation Services, ~~to be transferred from the Department of Vocational Rehabilitation;~~

~~(4)~~ (5) The Division of Service to the Blind and Visually Impaired, ~~to be transferred from the Department of Vocational Rehabilitation .~~

~~(6) The Division of Mental Health, to be created from the Office of Developmental Disabilities and Mental Health in the Department of Social Services; and~~

~~(7) The South Dakota Human Services Center.~~

Section 101. That 1-36-1.4 be repealed.

Section 102. That § 1-36A-1.5 be amended to read as follows:

1-36A-1.5. The following boards and advisory councils shall be administered by ~~are hereby continued and transferred to~~ the Department of Human Services:

- (1) The planning council on developmental disabilities;
- ~~(2) The mental health planning and coordination advisory board;~~
- ~~(2) (3)~~ The board of vocational rehabilitation; and
- ~~(4) The drug and alcohol abuse advisory council; and~~
- ~~(3) (5)~~ The board of service to the blind and visually impaired.

Section 103. That § 1-36A-1.18 be amended to read as follows:

1-36A-1.18. The Department of Human Services and the Department of Social Services may expend from any appropriation of money for the construction of any public building that may lawfully be constructed under its supervision, or from any appropriation made for such purposes, sufficient funds to purchase and secure such protection from loss by fire during the erection of such building as may be proper in the judgment of the Secretary of Human Services or the Secretary of Social Services.

Section 104. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by striking “Department of Human Services” and inserting “The Department of Human Services and the Department of Social Services”:

1-36A-1.19; 1-36A-1.20; 1-36A-1.22; 1-36A-1.23.

Section 105. That 1-36-7.3 be repealed.

Section 106. That §1-36A-3.1 be repealed.

Section 107. That §1-36A-3.2 be repealed.

Section 108. That §1-36A-3.3 be repealed.

Section 109. That §1-47-1 be repealed.

Section 110. That §1-47-2 be amended to read as follows:

1-47-2. The head of the Department of Revenue ~~and Regulation~~ is the Secretary of Revenue and Regulation— who shall be appointed by the Governor, by and with the consent of the senate, and serve at the pleasure of the Governor.

Section 111. That § 1-47-3 be amended to read as follows:

1-47-3. The Department of Revenue ~~and Regulation~~ shall, under the direction and control of the Secretary of Revenue ~~and Regulation~~, perform all the functions of the Department of Revenue ~~and Regulation~~ created by chapter 10-1.

Section 112. That § 1-47-5 be repealed.

Section 113. That § 1-47-6 be amended to read as follows:

1-47-6. The Division of Banking created by chapter 51A-2 and its functions in the former Department of ~~Commerce~~ Revenue and Regulation are transferred to the Department of Revenue Labor and Regulation. The Secretary of the Department of Revenue Labor and Regulation shall perform the functions of the former Secretary of the Department of ~~Commerce~~ Revenue and Regulation, relating to the Division of Banking.

Section 114. That § 1-47-7 be amended to read as follows:

1-47-7. The South Dakota State Banking Commission shall continue in the Department of Revenue Labor and Regulation. The Secretary of the Department of Revenue Labor and Regulation shall perform the functions of the former Secretary of the Department of Revenue and Regulation ~~Commerce and Regulation~~, relating to the South Dakota State Banking Commission.

Section 115. That § 1-47-8 be amended to read as follows:

1-47-8. The Division of Securities, ~~created pursuant to § 47-31A-406(e)~~ and its functions in the former Department of ~~Commerce~~ Revenue and Regulation are transferred to the Department of Revenue Labor and Regulation. The Secretary of the Department of Revenue Labor and Regulation shall perform the functions of the former Secretary of the Department of ~~Commerce~~ Revenue and Regulation, relating to the Division of Securities.

Section 116. That § 1-47-9 be amended to read as follows:

1-47-9. The Division of Insurance created by chapter 58-2 and its functions listed under Title 58, in the former Department of ~~Commerce~~ Revenue and Regulation are transferred to the Department of Revenue Labor and Regulation. The Secretary of the Department of Revenue Labor and Regulation shall perform the functions of the former Secretary of the Department of ~~Commerce~~ Revenue and Regulation, relating to the Division of Insurance. ~~All references to the former Department of Commerce and Regulation found in Title 58 are to be changed to Department of Revenue and Regulation.~~

Section 117. That § 1-47-10 be amended to read as follows:

1-47-10. The Commission on Gaming and its functions, including those functions under chapters 42-7 and 42-7B, in the former Department of ~~Commerce~~ Revenue and Regulation are transferred to the Department of Revenue ~~and Regulation~~. The Secretary of the Department of Revenue ~~and Regulation~~ shall perform the functions of the former Secretary of the Department of ~~Commerce~~ Revenue and Regulation, relating to the Commission on Gaming.

Section 118. That § 1-47-11 be amended to read as follows:

1-47-11. The Insurance Fraud Prevention Unit and its functions created and authorized by chapter 58-4A in the former Department of ~~Commerce~~ Revenue and Regulation are transferred to the ~~Department of Revenue and Regulation~~ the Attorney General. The ~~Secretary of the Department of Revenue and Regulation~~ Attorney General shall perform the functions of the former Secretary of the Department of ~~Commerce~~ Revenue and Regulation, relating to the Insurance Fraud Prevention Unit.

Section 119. That § 1-47-12 be amended to read as follows:

1-47-12. All functions of the Petroleum Release Compensation Board under chapter 34A-13 and its functions in the former Department of ~~Commerce~~ Revenue and Regulation are transferred to the Department of ~~Revenue and Regulation~~ Environment and Natural Resources ~~created by this Executive Reorganization Order~~. The Secretary of the Department of ~~Revenue and Regulation~~ Environment and Natural Resources shall perform the functions of the former Secretary of the Department of ~~Commerce~~ Revenue and Regulation, relating to the Petroleum Release Compensation Fund. The petroleum release compensation fund board shall continue as an advisory board to the Secretary of ~~Revenue and Regulation~~ Environment and Natural Resources on issues concerning petroleum inspection and release compensation.

Section 120. That § 1-47-13 be amended to read as follows:

1-47-13. The Abstractors Board of Examiners, created by chapter 36-13, and its functions in the former Department of ~~Commerce~~ Revenue and Regulation are transferred to the Department of ~~Revenue~~ Labor and Regulation. The Secretary of the Department of ~~Revenue~~ Labor and Regulation shall perform the functions of the former Secretary of the Department of ~~Commerce~~ Revenue and Regulation, relating to the Abstractors Board of Examiners.

Section 121. That § 1-47-13 be amended to read as follows:

1-47-14. The Real Estate Commission created by chapter 36-21A and its functions in the former Department of ~~Commerce~~ Revenue and Regulation are transferred to the Department of ~~Revenue~~ Labor and Regulation. The Secretary of the Department of ~~Revenue~~ Labor and Regulation shall perform the functions of the former Secretary of the

Department of ~~Commerce~~ Revenue and Regulation, relating to the Real Estate Commission.

Section 122. That § 1-52-2 be amended to read as follows.

1-52-2. The Department of Tourism and State Development ~~established pursuant to chapter 1-42~~ is abolished. The position of Secretary of tourism and state development is abolished. The following functions of the former Department of Tourism and State Development are transferred to the Department of Tourism and State Development ~~created by this Executive Reorganization Order~~:

- (1) Office of Tourism;
- (2) Board of Tourism;
- (3) Office of History;
- (4) State Historical Society Board of Trustees;
- (5) State Arts Council; and

such other tourism related functions as the Governor shall direct.

The Secretary of the Department of Tourism ~~and State Development~~ shall perform the functions of the former Secretary of the Department of Tourism and State Development related to tourism.

Section 123. That § 1-52-3 be repealed.

Section 124. That § 1-52-4 be transferred to chapter 1-53 and amended to read as follows.

1-52-4. The Economic Development Finance Authority created by Chapter 1-16B and its functions in the Governor's Office of Economic Development, Department of Executive Management are transferred to the Governor's Office of Economic Development ~~Department of Tourism and State Development created by this Executive Reorganization Order~~. ~~The Secretary of the Department of Tourism and State Development~~ The Commissioner of the Governor's Office of Economic Development shall perform the functions of the former ~~Commissioner of the Governor's Office of Economic Development~~ Secretary of Tourism and State Development relating to the activities of the Economic Development Finance Authority.

Section 125. That § 1-52-5 be transferred to chapter 1-53 and amended to read as follows:

1-52-5. The Board of Economic Development created by Chapter 1-16G and its functions ~~in the Governor's Office of Economic Development, Department of Executive Management~~ are transferred to the ~~Department of Tourism and State Development~~ Governor's Office of Economic Development ~~created by this Executive Reorganization Order~~. ~~The Secretary of the Department of Tourism and State Development~~ Commissioner of the Governor's Office of Economic Development shall perform the

functions of the former ~~Commissioner of the Governor's Office of Economic Development~~ Secretary of the Department of Tourism and State Development relating to the activities of the Board of Economic Development.

Section 126. That § 1-52-6 be repealed.

Section 127. That § 1-52-7 be repealed.

Section 128. That § 1-52-8 be amended to read as follows.

1-52-8. The Cultural Heritage Center, ~~Division of Cultural Affairs~~ and its functions in the former ~~Department of Education and Cultural Affairs~~ are transferred to the Department of Tourism and State Development created by this Executive Reorganization Order. The Secretary of the Department of Tourism and State Development shall perform the functions of the former Secretary of the Department of ~~Education and Cultural Affairs~~ Tourism and State Development, relating to the Cultural Heritage Center.

Section 129. That § 1-52-9 be amended to read as follows.

1-52-9. The Office of History in the ~~Division of Cultural Affairs, Department of Education and Cultural Affairs~~ and its functions are transferred to the Department of Tourism and State Development created by this Executive Reorganization Order. The Secretary of the Department of Tourism and State Development shall perform the functions of the former Secretary of the Department of ~~Education and Cultural Affairs~~ Tourism and State Development, relating to the Office of History.

Section 130. That § 1-52-10 be transferred to chapter 1-53 and amended to read as follows:

1-52-10. The South Dakota Housing Development Authority created by chapter 11-11, and its functions in the former Department of ~~Commerce and Regulation~~ Tourism and State Development are ~~is~~ transferred to the ~~Department of Tourism and State Development~~ Governor's Office of Economic Development created by this Executive Reorganization Order. The ~~Secretary~~ Commissioner of the ~~Department of Tourism and State Development~~ Governor's Office of Economic Development shall perform the functions of the former Secretary of the Department of ~~Commerce and Regulation~~ Tourism and State Development, relating to the South Dakota Housing Development Authority.

Section 131. That § 1-52-11 be transferred to chapter 1-54 and amended to read as follows.

1-52-11. The Office of Tribal Government Relations established by chapter 1-4 is transferred to the Department of ~~Tourism and State Development~~ Tribal Relations.

Section 132. That § 1-52-12 be transferred to chapter 1-54 and amended to read as follows.

1-52-12. The Governor shall invite and solicit the officials of the Bureau of Indian Affairs and officials of the Division of Indian Health of the United States Public Health Service, the United States Departments of Housing and Urban Development, Labor, Justice, Agriculture, and Transportation, and the United States Department of Health and Human Services, the United States Attorney's Office for the district of South Dakota and the United States Economic Development Administration, to participate and act in an advisory capacity to the Department Office of Tribal ~~Governmental~~ Relations.

Any state agency, commission, board, department, or institution shall render such advice and assistance to the Department Office of Tribal ~~Governmental~~ Relations as the office may deem necessary in fulfillment of the provisions of this chapter.

Section 133. That subsection (12) of § 2-14-2 be amended to read as follows:

(12) "Full-time equivalent" or "FTE," a number which designates staffing level where one full-time equivalent position is equal to the number of days, Monday through Friday, in a fiscal year, multiplied by eight hours per day. It excludes: paid overtime hours; hours paid to an employee assigned to a light duty position as approved by the Commissioner of the Bureau of Personnel due to a temporary partial disability as defined in subdivision 62-1-1(8); hours paid for accumulated annual leave and sick leave upon employee termination; hours paid to patient employees of the institutions under the control of the Department of Human Services or the Department of Social Services and the Department of ~~Military and~~ Veterans Affairs; hours paid to work-study students enrolled in postsecondary educational institutions or postsecondary students employed pursuant to chapter 3-6B; hours paid to students enrolled in and employed by postsecondary educational institutions; and hours paid to members of boards and commissions pursuant to § 4-7-10.4. For purposes of salary computation a nine month or more per year full-time teaching or research faculty person, or the equivalent thereof, at the institutions under the jurisdiction of the Board of Regents shall be considered one full-time equivalent;

Section 134. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting "Department of Human Services" and inserting, "Department of Human Services or the Department of Social Services":

5-18A-22; 13-32-13; 13-53-29; 22-24B-13; 22-24B-23; 23A-10A-13; 23A-28C-5;
26-8A-12.2; 27A-3-8;

Section 135. That § 10-1-1.1 be repealed.

Section 136. That § 10-1-2 be repealed.

Section 137. That § 32-1-1.1 be repealed.

Section 138. That §33-1-2.1 be amended to read as follows:

33-1-2.1. The Office of the Adjutant General and all other powers, duties, and functions of the adjutant general shall continue in the Department of the Military and Veterans Affairs.

Section 139. That §33-6-8 be amended to read as follows:

33-6-8. Any person desiring to use the benefits of either § 33-6-5 or 33-6-6 shall apply to the Department of the Military and Veterans Affairs. The adjutant general ~~Secretary of the military and veterans affairs~~ shall determine if that person is entitled to the benefits of §§ 33-6-5 to 33-6-8, inclusive. The adjutant general ~~Secretary of military and veterans affairs~~ may promulgate rules pursuant to chapter 1-26 to accomplish the purposes of §§ 33-6-5 to 33-6-8, inclusive, and to establish the procedures for determining awards, the records to be maintained and the procedure for an appeal.

Section 140. That §33-16-2.1 be repealed.

Section 141. That §33-16-3 be transferred to Title 33A and amended to read as follows:

33-16-3. Adequate office space for the ~~Division~~ Department of Veterans Affairs shall be provided in the Soldiers and Sailors Memorial Building or in other suitable space at the state capital.

Section 142. That §33-16-4.1 be transferred to Title 33A and amended to read as follows:

33-16-4.1. The Veterans Commission shall be administered under the direction and supervision of the ~~Division~~ Department of Veterans' Affairs and the ~~director~~ Secretary thereof, but shall retain the quasi-judicial, quasi-legislative, advisory, other nonadministrative and special budgetary functions (as defined in § 1-32-1) otherwise vested in it and shall exercise those functions independently of the ~~director~~ Secretary of Veterans' Affairs. ~~The commission shall nominate the director of veterans affairs to be appointed pursuant to § 1-46-7.~~

Section 143. That §33-16-8 be repealed.

Section 144. That §33-16-9 be transferred to Title 33A and amended to read as follows:

33-16-9. The ~~director~~ Secretary of the ~~Division~~ Department of Veterans Affairs shall give bond to the state in the sum of ten thousand dollars, premium on said bond to be paid out of funds of the division.

Section 145. That §33-16-11 be transferred to Title 33A and amended to read as follows:

33-16-11. The ~~director~~ Secretary of the ~~Division~~ Department of Veterans Affairs shall, ~~with the approval of the Department of Military and Veterans Affairs,~~ establish and maintain a sufficient office and field force to carry out the provisions of this chapter, including representation at the veterans administration facility in this state.

Section 146. That §33-16-12 be transferred to Title 33A and amended to read as follows:

33-16-12. The ~~Director~~ Secretary shall make an annual written report to the Governor which shall be open to public inspection.

Section 147. That §33-16-13 be transferred to Title 33A and amended to read as follows:

33-16-13. All employees of the ~~Division~~ Department of Veterans Affairs below the level of ~~Director~~ Secretary shall be selected as provided by chapter 3-6A. However, all employees shall be veterans, if available. These employees shall perform duties assigned to them by the Department of ~~Military and~~ Veterans Affairs.

Section 148. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to transfer the following sections to Title 33A and amend the them by deleting, "Division" and inserting, "Department".

33-16-14; 33-16-16; 33-16-17; 33-16-19; 33-16-20; 33-16-21; 33-16-22;
33-16-23; 33-16-25; 33-16-26; 33-16-27.2; 33-16-28.3; 33-17-3; 33-17-6;

Section 149. That §33-16-18 be transferred to Title 33A and amended to read as follows:

33-16-18. The ~~Division~~ Department of Veterans Affairs shall cooperate with all national, state, county, municipal, and private social agencies in securing to veterans and their dependents the benefits provided by national, state, and county laws, municipal ordinances, or public or private social agencies. To that end, the ~~Division~~ Department may hold schools of instruction for county service officers, or call in for instruction individual county service officers if, in the judgment of the Department of ~~Military and~~

Veterans Affairs, the giving of such instructions or holding of such schools is in the best interest of the work of the ~~Division~~ Department. The ~~Division~~ Department may pay the actual necessary expenses of any such county service officer when attending such schools of instruction away from the officer's home county, out of the funds appropriated for the administration of the ~~Division~~ Department of Veterans Affairs. The expenses may be paid out only on duly itemized vouchers presented to the state auditor and approved by the ~~Director~~ Secretary of the ~~Division~~ Department.

Section 150. That §33-16-24 be transferred to Title 33A and amended to read as follows:

33-16-24. The board of county Commissioners of each county in this state shall employ or join with another county or counties in employing a county veterans' service officer who, before such employment takes effect, is approved by the state ~~Director~~ Secretary of veterans affairs. The county veteran's service officer's first appointment ends on the first Monday in January of the second year subsequent to the year of the appointment. The county veteran's service officer may be reappointed for terms of four years for each term. The appointment is subject to removal by the board or boards of county Commissioners upon the recommendation of the state ~~Director~~ Secretary of Veterans' Affairs or for cause.

Section 151. That §33-16-27.1 be transferred to Title 33A and amended to read as follows:

33-16-27.1. The ~~Division~~ Department of Veterans Affairs ~~of the of Military and Veterans Affairs~~ shall establish a training program for county veterans service officers. Every county veterans service officer employed under the provisions of this chapter shall annually complete the training program established by the ~~Division~~ Department and successfully complete a test administered by the ~~Division~~ Department of Veterans Affairs. The ~~Director~~ Secretary of the ~~Division~~ Department of Veterans Affairs shall certify training compliance to the board of county Commissioners. The ~~Director~~ Secretary shall recommend against reappointment of any county veterans service officer not in compliance with the provisions of this section.

Section 152. That §33-17-14 be transferred to Title 33A and amended to read as follows:

33-17-14. The provisions of subdivision 43-28-2(7) apply to certificates of discharge of all persons who may have served in the military forces of the United States or of any of its allies in any war in which the United States has or may hereafter engage, or who are veterans as defined in § 33-17-1. The certificates shall be recorded without charge and certified copies shall be furnished to the persons named therein or their dependents without charge if requested for the purpose of presenting or prosecuting claims for compensation or pension. Otherwise, a discharge document recorded by the recorder or a

designated official may be made available only to the veteran, the veteran's parents, the veteran's next of kin, the veteran's legal representative, a county veterans service officer, a veterans' organization service officer, the Department of ~~Military and~~ Veterans Affairs, or the veteran's designee. Any person requesting a discharge document shall complete a form containing a statement specifying the person's eligibility to receive the document based upon this section. The Department of ~~Military and~~ Veterans Affairs shall provide such forms to each county register of deeds.

Section 153. That §33-17-19 be transferred to Title 33A and amended as follows:

33-17-19. The ~~director~~ Secretary shall appoint such officers and employ such clerks, assistants, and other help as may be necessary, and fix their bonds, salaries, and compensation.

Section 154. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting "Revenue and Regulation", and inserting, "Environment and Natural Resources":
34A-13-14; 34A-13-17; 34A-6-68.

Section 155. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting "Transportation" and inserting, "Environment and Natural Resources":
34A-13-18; 34A-13-27; 34A-14-7; 34A-14-9.

Section 156. That §34A-13-49 be amended to read as follows:

34A-13-49. There is hereby created within the petroleum release compensation fund, a new program to be known as the abandoned tank removal program. Under this program, the director may provide payments for tank pulling and corrective action at abandoned sites where the owner or the person having legal custody of an abandoned site has voluntarily requested such action in the manner and time established by the ~~secretaries~~ Secretary of the ~~departments of transportation and environment and natural resources~~ Department of Environment and Natural Resources and if the following criteria are met:

(1) The owner or person having legal custody of the abandoned site has submitted to the director a written request to have the tank removed. The request shall be made in the manner established by the Secretary of the ~~Department of Revenue~~ Department of Environment and Natural Resources and Regulation to include documentation of eligibility for the site to participate in the abandoned tank removal program, proof of ownership, and legal description;

(2) The owner or person having legal custody of the abandoned site has, in writing, waived all claims against the state, its officers, agents, and employees for damages resulting directly or indirectly from the tank pulling or corrective action;

(3) If the abandoned site is on private property, all property taxes are current; and

(4) The owner or person having legal custody of the abandoned site has agreed to transfer ownership of the removed tank and its contents to the state.

No tank is eligible for coverage under this program if the tank is located at the site of a commercially operational motor fuel vendor in service on or after April 1, 1988.

Section 157. That §34A-13-53 be amended to read as follows:

34A-13-53. The ~~secretaries~~ Secretary of the ~~Departments of Transportation and Department of~~ Environment and Natural Resources may promulgate, pursuant to chapter 1-26, rules regarding practices and procedures necessary to carry out the provisions of the abandoned tank removal program including the form and procedure for application for qualifying for tank pulling and corrective action.

Section 158. That § 34A-14-25 be amended to read as follows:

34A-14-25. The authority may issue a cumulative total of twenty million dollars in bonds and the authority may pledge assets of the fund that are authorized for financing purposes as additional security for the issuance of the bonds, and the Secretary of ~~Transportation~~ Environment and Natural Resources may additionally ~~request the Secretary of Transportation to~~ pledge payment of up to four million dollars from future revenues of the inspection fee.

Section 159. That § 39-24-9 be amended to read as follows.

39-24-9. The Secretary of agriculture and the ~~Secretary of tourism and state development~~ Commissioner of the Governor's Office of Economic Development shall consult and cooperate, and shall exchange such services, personnel, and information as are necessary and appropriate in order to develop, administer, and market the South Dakota Certified beef program.

Section 160. That § 40-18-14 be amended to read as follows.

40-18-14. The ~~board~~ Attorney General may employ four investigators for the purpose of enforcing the provisions of chapters 40-19 to 40-22, inclusive, and chapter 40-29. The investigators shall be certified law enforcement officers and shall enforce laws pertaining to inspection, sale, branding, misbranding, ownership, transportation, or theft of cattle, horses, mules, sheep, and buffalo. The investigators have all of the powers and authority

of any law enforcement officer within the State of South Dakota while enforcing laws pertaining to cattle, horses, mules, sheep, and buffalo. This section does not restrict the ~~board~~ Attorney General from hiring inspectors, who are not law enforcement officers.

Section 161. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting “Revenue and Regulation” and inserting “Revenue”.

Title 1

1-47-15; 1-47-16; 1-16G-4; 1-50-11;

Title 10:

10-1-1; 10-1-3; 10-1-6; 10-1-6.1; 10-1-7; 10-1-9; 10-1-10; 10-1-11; 10-1-12; 10-1-13; 10-1-13.1; 10-1-14; 10-1-15; 10-1-15.1; 10-1-15.2; 10-1-16; 10-1-16.1; 10-1-17; 10-1-18; 10-1-21; 10-1-22; 10-1-23; 10-1-24; 10-1-25; 10-1-26; 10-1-27; 10-1-28; 10-1-28.1; 10-1-28.2; 10-1-28.4; 10-1-29; 10-1-31; 10-1-32; 10-1-33; 10-1-34; 10-1-35; 10-1-36; 10-1-37; 10-1-38; 10-1-39; 10-1-40; 10-1-41; 10-1-44; 10-1-44.3; 10-1-45; 10-1-46; 10-3-1.1; 10-3-1.2; 10-3-5; 10-3-7; 10-3-16; 10-3-34; 10-3-36; 10-3-41; 10-4-1; 10-4-2.6; 10-4-7; 10-4-15; 10-4-20; 10-4-21; 10-4-24; 10-4-40; 10-4-41; 10-5-2; 10-5-15; 10-5-16; 10-5-17; 10-6-4; 10-6-10; 10-6-33.13; 10-6-33.29; 10-6-33.31; 10-6-33.34; 10-6-33.36; 10-6-43; 10-6-50; 10-6-51; 10-6-75; 10-6A-1; 10-6A-4; 10-6B-9; 10-9-3; 10-9-7; 10-9-11; 10-10-2; 10-10-6; 10-10-10; 10-11-8; 10-11-40; 10-11-41; 10-11-42.1; 10-11-42.2; 10-11-47; 10-11-48; 10-11-50; 10-11-51; 10-11-52; 10-11-54; 10-11-55; 10-11-57; 10-11-58; 10-11-59; 10-11-60; 10-11-65; 10-12-1; 10-12-31.1; 10-12-38; 10-12-39; 10-12-40; 10-12-41; 10-12-42; 10-12-43; 10-12A-1; 10-12A-4; 10-13-21; 10-13-35.13; 10-13-36; 10-13-37; 10-13-37.1; 10-13-37.2; 10-13-37.3; 10-13-38; 10-13-40; 10-13-43; 10-13-44; 10-18A-1; 10-18A-7; 10-18A-9; 10-18A-11; 10-18A-13; 10-18A-15; 10-18A-16; 10-21-1.1; 10-23-2.2; 10-26-5.1; 10-28-1; 10-28-3; 10-28-4; 10-28-5; 10-28-6; 10-28-7; 10-28-8; 10-28-9; 10-28-11; 10-28-12; 10-28-13; 10-28-14; 10-28-15; 10-28-16; 10-28-18; 10-28-21; 10-28-21.2; 10-28-25; 10-29-1; 10-29-2; 10-29-3; 10-29-4; 10-29-5; 10-29-6; 10-29-7; 10-29-8; 10-29-9; 10-29-11; 10-29-12; 10-29-14; 10-29-15; 10-29-16; 10-29-16.1; 10-29-16.2; 10-33-1; 10-33-4; 10-33-8; 10-33-9; 10-33-10; 10-33-11; 10-33-14; 10-33-14.1; 10-33-15; 10-33-16; 10-33-17; 10-33-18; 10-33-24; 10-33-25; 10-33-27; 10-33A-1; 10-33A-10.1; 10-35-1.3; 10-35-1.8; 10-35-1.10; 10-35-2; 10-35-3; 10-35-7; 10-35-8; 10-35-9; 10-35-10; 10-35-10.1; 10-35-11; 10-35-12; 10-35-13; 10-36-5; 10-36-7; 10-36-8; 10-37-3; 10-37-4; 10-37-5; 10-37-6; 10-37-7; 10-37-8; 10-37-9; 10-37-9.1; 10-37-10; 10-37-11; 10-37-12; 10-37-13; 10-38-1; 10-38-6; 10-38-8; 10-38-9; 10-38-10; 10-38-13; 10-38-14; 10-38-15; 10-38-16; 10-38-17; 10-38-29; 10-38-30; 10-38-34; 10-39-42; 10-39-45; 10-39-45.3; 10-39-45.5; 10-39-47; 10-39-48; 10-39-49; 10-39-50; 10-39-51; 10-39-54; 10-39-54.1; 10-39A-1.1; 10-39A-5; 10-39A-8; 10-40A-1; 10-40A-9; 10-41-1; 10-41-2; 10-41-3; 10-41-4; 10-41-5; 10-41-6; 10-41-8; 10-41-9; 10-41-10; 10-41-11; 10-41-12; 10-41-16; 10-41-17; 10-41-18; 10-41-19; 10-41-20; 10-41-22; 10-41-25; 10-41-26; 10-41-30; 10-41-32; 10-41-37; 10-41-39; 10-41-40; 10-41-41; 10-41-42; 10-41-42.1; 10-41-50; 10-41-51; 10-41-52; 10-41-53; 10-41-54; 10-41-55; 10-41-64; 10-41-56; 10-41-57; 10-41-58; 10-41-59; 10-41-64; 10-41-64.1; 10-41-65; 10-41-66; 10-41-67; 10-41-76; 10-41-77; 10-41-79; 10-41-82; 10-41-83; 10-43-30;

10-43-30.1; 10-43-31; 10-43-32; 10-43-36; 10-43-42.1; 10-43-43.1; 10-43-46; 10-43-50;
 10-43-51; 10-43-51.1; 10-43-55; 10-43-60; 10-43-63; 10-43-66; 10-43-69; 10-43-70;
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32-6C-17; 32-6D-9; 32-6E-1; 32-7A-1; 32-7A-4.3; 32-7A-5; 32-7A-6; 32-7A-8;
32-7A-9; 32-7A-10; 32-7A-12; 32-7A-14.1; 32-7B-4; 32-7B-9; 32-7B-17.1; 32-7B-20;
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37-10-24; 37-10-26; 37-10-27; 37-10-28; 37-10-29; 37-10-32; 37-10-33;
37-10-35; 37-10-36; 37-19-2; 37-19-4; 37-19-8; 37-19-9; 37-19-10.

Title 39:

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Title 42:

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42-7A-50; 42-7A-64; 42-7B-6; 42-7B-58; 42-8-2;

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43-31-31; 43-41B-31;

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Title 49:

49-28-1; 49-31-1; 49-31-51; 49-31-51.1; 49-34A-82;

Section 162. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting “Revenue and Regulation” and inserting “Labor and Regulation”.

Title 4

4-4-4.3;

Title 10

10-44-9.1;

Title 28

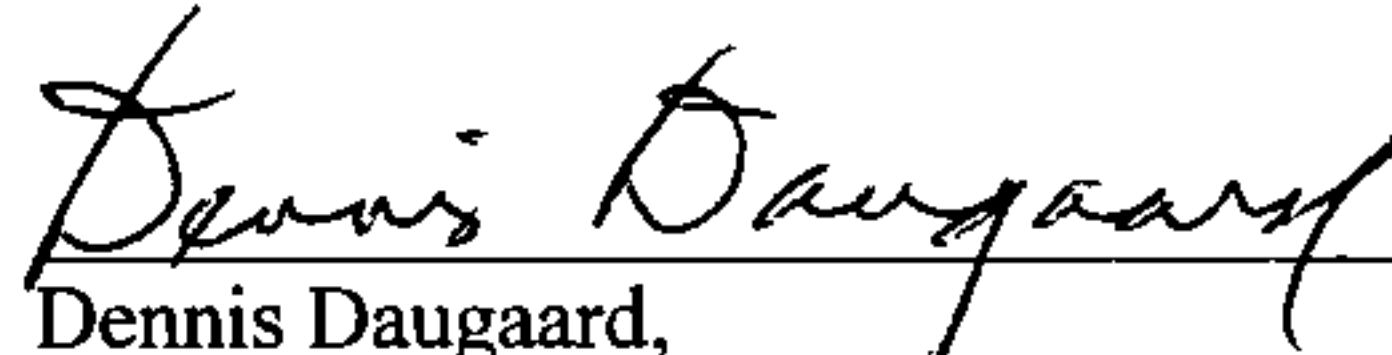
28-13-32.11;
Title 36
36-13-2.1; 36-21A-16; 36-21A-71 36-21B-1;
36-21B-3; 36-21B-4; 36-21B-5; 36-21B-7; 36-21B-12;
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54-3A-24; 54-4-36; 54-14-39;
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58-2-19; 58-2-21; 58-3-9; 58-4-44; 58-4A-1; 58-4A-13; 58-11-58. 58-18B-1; 58-22-47;
58-29A-55; 58-29B-32.1; 58-29E-1; 58-33-75;
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59-10-6; 59-10-7; 59-10-8; 59-10-13; 59-10-17;
Title 62
62-2-10;

Section 163. Pursuant to § 2-16-9, the Code Commission and Code Counsel of the Legislative Research Council are requested to amend the following sections by deleting references to “the Department of Human Services” or the Secretary of “Human Services” and inserting “the Department of Social Services” or the Secretary of “Social Services” as appropriate.

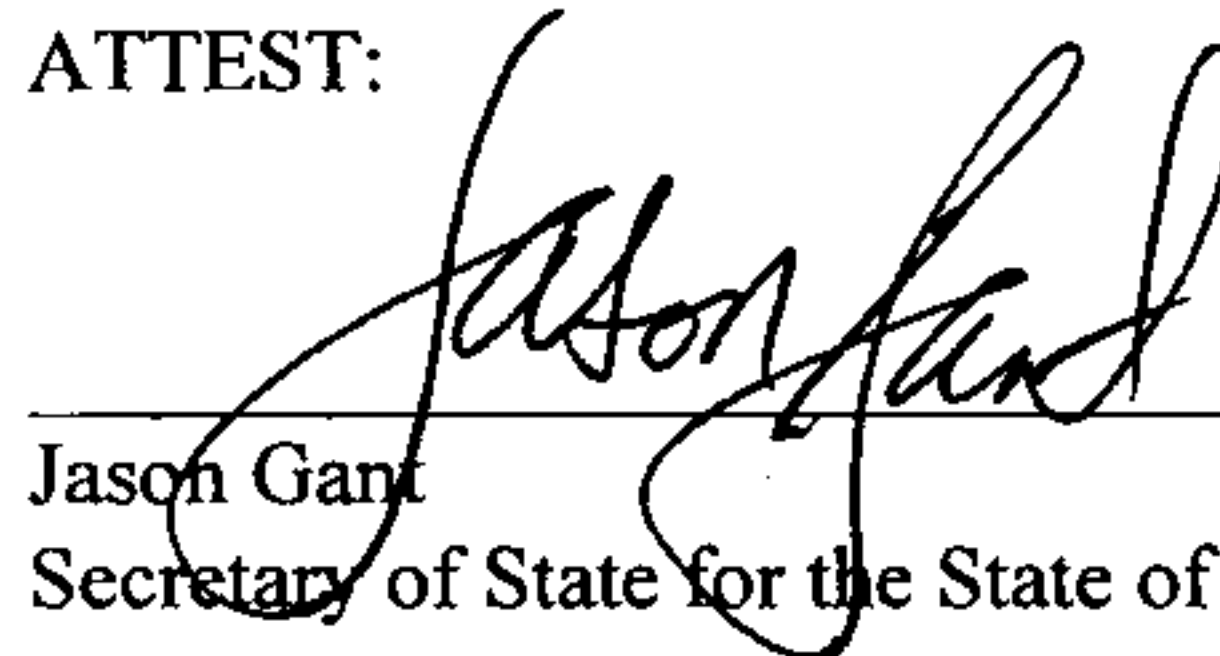
Title 36A
1-36A-1.12; 1-36A-1.14; 1-36A-1.15; 1-36A-1.26;
Title 23A
23A-27-38; 23A-28C-6; 23A-27-41;
Title 26
26-7A-92; 26-7A-94;
Title 27A
27A-1-1; 27A-1-3; 27A-1-7; 27A-1-8; 27A-1-9; 27A-3-1.3; 27A-3-4; 27A-3-7;
27A-4-6; 27A-4-9; 27A-5-1; 27A-5-3; 27A-5-7; 27A-5-9; 27A-7-9; 27A-3-1; 27A-3-1.1;
27A-3-1.4; 27A-3-2; 27A-3-3; 27A-3-5; 27A-3-6; 27A-3-9; 27A-3-10; 27A-4-1;
27A-4-2; 27A-4-5; 27A-4-8; 27A-5-2; 27A-5-4; 27A-5-5; 27A-5-6; 27A-5-10; 27A-13-3;
27A-13-12; 27A-13-13; 27A-13-14;
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35-4-100;
Title 36
36-9-28; 36-26-9; 36-27A-9; 36-27A-35; 36-32-8; 36-34-8;
Title 42
42-7B-48.3;

Dated this 12th day of January, 2011.


Dennis Daugaard,
Governor of the State of South Dakota

ATTEST:


Jason Gant
Secretary of State for the State of South Dakota

By: _____
Deputy Secretary of State